



House of Representatives

General Assembly

File No. 401

January Session, 2009

Substitute House Bill No. 6649

House of Representatives, April 1, 2009

The Committee on Transportation reported through REP. GUERRERA of the 29th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF TRANSPORTATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 13b-20 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The [commissioner] Commissioner of Transportation shall keep
4 a record of all proceedings and orders pertaining to the matters under
5 [his] said commissioner's direction and copies of all plans,
6 specifications and estimates submitted to [him] said commissioner.
7 Said commissioner shall furnish to any court in this state without
8 charge certified copies of any document or record pertaining to the
9 operation of the department, and any certified document or record of
10 the commissioner, attested as a true copy by the commissioner, the
11 [Deputy Commissioner of Transportation] deputy commissioner, the
12 chief engineer of the department, or any deputy commissioner for an
13 operating bureau, shall be competent evidence in any court of this
14 state of the facts [therein] contained in such document or record. The

15 commissioner may delegate to the [Deputy Commissioner of
16 Transportation] deputy commissioner, the chief engineer, and the
17 deputy commissioners for operating bureaus, the authority to sign any
18 agreement, contract, document or instrument which [he] the
19 commissioner is authorized to sign and any such signature shall be
20 binding and valid.

21 (b) The Executive Director of the State Traffic Commission may
22 certify copies of any document or record pertaining to the operation of
23 the State Traffic Commission, and any certified document or record of
24 said commission, attested as a true copy by said executive director,
25 shall be competent evidence in any court of this state of the facts
26 contained in such document or record.

27 Sec. 2. Subsection (a) of section 13b-251 of the general statutes is
28 repealed and the following is substituted in lieu thereof (*Effective from*
29 *passage*):

30 (a) The minimum overhead clearance for any structure crossing
31 over railroad tracks for which construction is begun on or after
32 October 1, 1986, shall be twenty feet, six inches, except that, (1) if the
33 construction includes only deck replacement or minor widening of the
34 structure, and the existing piers or abutments remain in place, the
35 minimum overhead clearance shall be the structure's existing overhead
36 clearance; (2) the minimum overhead clearance for any structure
37 crossing any railroad tracks on which trains are operated that are
38 attached to or powered by means of overhead electrical wires shall be
39 twenty-two feet, six inches; (3) the minimum overhead clearance for
40 the structure that carries (A) Route 372 over railroad tracks in New
41 Britain, designated state project number 131-156, (B) U.S. Route 1 over
42 railroad tracks in Fairfield, designated state project number 50-6H05,
43 (C) Route 729 over railroad tracks in North Haven, designated state
44 project number 100-149, (D) Grove Street over railroad tracks in
45 Hartford, designated state project number 63-376, (E) Route 1 over
46 railroad tracks in Milford, designated state project number 173-117, (F)
47 Ingham Hill Road over railroad tracks in Old Saybrook, designated

48 state project number 105-164, (G) Ellis Street over railroad tracks in
49 New Britain, designated state project number 88-114, (H) Route 100
50 over the railroad tracks in East Haven, bridge number 01294, and (I)
51 Church Street Extension over certain railroad storage tracks located in
52 the New Haven Rail Yard, designated state project number 92-526,
53 shall be eighteen feet; (4) the minimum overhead clearance for those
54 structures carrying (A) Fair Street, bridge number 03870, (B) Crown
55 Street, bridge number 03871, and (C) Chapel Street, bridge number
56 03872, over railroad tracks in New Haven shall be seventeen feet, six
57 inches; (5) the minimum overhead clearance for the structure carrying
58 State Street railroad station pedestrian bridge over railroad tracks in
59 New Haven shall be nineteen feet, ten inches; (6) the overhead
60 clearance for the structure carrying Woodland Street over the Griffins
61 Industrial Line in Hartford, designated state project number 63-501,
62 shall be fifteen feet, nine inches, with new foundations placed at
63 depths which may accommodate an overhead clearance to a maximum
64 of seventeen feet, eight inches; (7) the Department of Transportation
65 may replace the Hales Road Highway Bridge over railroad tracks in
66 Westport, [Bridge Number] bridge number 03852, with a new bridge
67 that provides a minimum overhead clearance over the railroad tracks
68 that shall be eighteen feet, five inches; [and] (8) the Department of
69 Transportation may replace the Pearl Street Highway Bridge over
70 railroad tracks in Middletown, [Bridge Number] bridge number 04032,
71 with a new bridge that provides a minimum overhead clearance over
72 the railroad tracks that shall be seventeen feet, eleven inches; and (9)
73 the Department of Transportation may replace the Broad Street
74 highway bridge over the AMTRAK railroad in Hartford, bridge
75 number 03629, with a new bridge that provides a minimum overhead
76 clearance over the railroad tracks that shall be nineteen feet, four
77 inches.

78 Sec. 3. Section 13b-20g of the general statutes is repealed and the
79 following is substituted in lieu thereof (*Effective from passage*):

80 Whenever there is a need to engage a consultant, the Commissioner
81 of Transportation shall notify all firms that are prequalified in

82 accordance with section 13b-20e in the category of services being
83 sought by the department. If the prequalified list contains fewer than
84 five consulting firms or does not include the area of expertise required
85 by the department, the commissioner shall publish a notice in
86 appropriate professional magazines, professional newsletters [and
87 newspapers] or on-line professional web sites, indicating the general
88 scope of the assignment and requesting responses in accordance with
89 subsection (b) of section 13b-20e, and at least once in one or more
90 newspapers having a circulation in each county of the state. Responses
91 shall be received at the Department of Transportation not later than
92 fourteen days after the last date on which the notice is published,
93 unless additional time is specifically authorized by the commissioner,
94 or not later than any specific date set forth in such notice. For certain
95 specialized projects the notice may also solicit a full work proposal in
96 addition to the technical qualifications of a firm.

97 Sec. 4. Section 13b-102 of the general statutes is repealed and the
98 following is substituted in lieu thereof (*Effective from passage*):

99 (a) (1) Each person, association, limited liability company or
100 corporation owning or operating a motor vehicle in livery service shall
101 be subject to the jurisdiction of the Department of Transportation, and
102 the department may prescribe adequate service and reasonable rates
103 and charges and prescribe and establish such reasonable regulations
104 with respect to fares, service, operation and equipment as it deems
105 necessary for the convenience, protection, safety and best interests of
106 passengers and the public. (2) Notwithstanding the provisions of
107 subdivision (1) of this subsection with respect to reasonable rates and
108 charges, each person, association, limited liability company or
109 corporation operating a motor vehicle in livery service having a
110 seating capacity of ten or more adults shall file a schedule of
111 reasonable maximum rates and charges with the Department of
112 Transportation. The provisions of subdivision (1) of this subsection
113 with respect to rates and charges shall not apply to any person,
114 association, limited liability company or corporation operating a motor
115 vehicle engaged in the transportation of passengers for hire by virtue

116 of a contract with, or a lower tier contract for, any federal, state or
117 municipal agency.

118 (b) Each person, association, limited liability company or
119 corporation operating a motor vehicle that carries eight or more
120 passengers by virtue of authorization issued by the Federal Highway
121 Administration for charter and special operation shall register such
122 authorization for interstate operation with the Department of
123 Transportation if such person, association, limited liability company or
124 corporation maintains a domicile or principal office in the state.

125 Sec. 5. Section 13a-85b of the general statutes is repealed and the
126 following is substituted in lieu thereof (*Effective July 1, 2009*):

127 [(a) The Commissioner of Transportation shall not sell, or use in any
128 manner that is incompatible with transportation purposes, the existing
129 right-of-way acquired for potential use as the Route 7 limited access
130 highway from Danbury to Norwalk.] Should any properties situated
131 within [said] the existing right-of-way acquired for potential use as a
132 limited access highway from Danbury to Norwalk which are not
133 currently owned by the Department of Transportation be offered for
134 sale to the state, the [commissioner] Commissioner of Transportation
135 may, within available funds, acquire said properties upon terms and
136 conditions which are equitable to both the property owner and the
137 state. The commissioner may, within available funds, acquire any
138 properties not currently owned by the Department of Transportation
139 that are situated within such right-of-way when such properties come
140 onto the market for sale and if such purchase would (1) alleviate
141 particular hardship to a property owner, on his request, in contrast to
142 others because of an inability to sell his property; or (2) prevent
143 imminent development and increased costs of a parcel which would
144 tend to limit the choice of highway alternatives.

145 [(b) The Commissioner of Transportation shall not sell, or use in any
146 manner that is incompatible with transportation purposes, any
147 property currently under his control in Danbury adjacent to Route 7
148 and south of Wooster Heights Road.]

149 Sec. 6. (NEW) (*Effective from passage*) The Department of
150 Transportation shall not begin any phase of the project for the
151 demolition of the parking garage at the Stamford Transportation
152 Center unless the Department of Transportation makes alternative
153 parking spaces available in the vicinity of the Stamford Transportation
154 Center before such phase of the project for such demolition begins. The
155 number of such alternative parking spaces shall equal or exceed the
156 number of parking spaces to be lost by such phase of the project for
157 such demolition.

158 Sec. 7. (*Effective from passage*) The Department of Transportation and
159 the Transportation Strategy Board shall submit a joint report to the
160 joint standing committee of the General Assembly having cognizance
161 of matters relating to transportation, not later than fifteen days
162 following the effective date of this section, and monthly thereafter,
163 concerning (1) actions taken by the department and the board in order
164 to qualify state, regional or municipal projects for the receipt of federal
165 funds pursuant to the American Recovery and Reinvestment Act of
166 2009, P.L. 111-5, (2) the amount of any state matching funds necessary
167 to qualify for federal funds and the availability of such funds, and (3) a
168 description of all applications submitted for federal funds and the
169 status of such applications. Such reports shall be submitted in
170 accordance with the provisions of section 11-4a of the general statutes.

171 Sec. 8. (*Effective July 1, 2009*) The sum of five million dollars is
172 appropriated from the General Fund, for each fiscal year of the
173 biennium ending June 30, 2011, to the Department of Transportation
174 for the implementation of an agreement among East Haven, New
175 Haven and the Tweed New Haven Airport Authority regarding the
176 operation of Tweed New Haven Airport.

177 Sec. 9. (*Effective from passage*) The Department of Transportation,
178 within existing budgetary resources, shall conduct a study to
179 determine the feasibility of providing commuter bus service for
180 suburban residents from commuter parking lots to the Bridgeport
181 Train Station via Route 8 and Housatonic Avenue and shall submit a

182 report of its findings and recommendations to the joint standing
 183 committee of the General Assembly having cognizance of matters
 184 relating to the Department of Transportation, in accordance with the
 185 provisions of section 11-4a of the general statutes, on or before
 186 February 1, 2010.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	13b-20
Sec. 2	<i>from passage</i>	13b-251(a)
Sec. 3	<i>from passage</i>	13b-20g
Sec. 4	<i>from passage</i>	13b-102
Sec. 5	<i>July 1, 2009</i>	13a-85b
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>July 1, 2009</i>	New section
Sec. 9	<i>from passage</i>	New section

TRA *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note and OLR Bill Analysis

sHB-6649

AN ACT CONCERNING THE PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF TRANSPORTATION.

OFA SUMMARY IMPACT:

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Department of Transportation	TF - See Below	See Below	See Below

Note: TF=Transportation Fund

Municipal Impact: None

Explanation

A section-by-section fiscal impact analysis is presented in conjunction with the bill summary.

OLR SUMMARY:

This bill:

1. permits the executive director of the State Traffic Commission to certify copies of documents and records pertaining to commission operations;
2. allows the Department of Transportation (DOT) to replace a bridge in Hartford at less than the statutorily required minimum clearance over railroad tracks;
3. modifies certain requirements related to DOT solicitation of consultants;

4. makes a minor change in filing requirements for certain interstate livery operators to reflect federal requirements;
5. eliminates prohibitions on DOT selling or using in any manner that is not transportation compatible the property that has been acquired for the proposed Route 7 expressway project;
6. prohibits DOT from proceeding with any phase of the Stamford Transportation Center parking garage demolition unless it provides an equal or greater number of alternative spaces in the vicinity of the center;
7. requires the DOT and Transportation Strategy Board to make monthly reports to the Transportation Committee on matters concerning utilization of federal “stimulus” funds;
8. appropriates \$5 million each of the next two fiscal years to implement the Tweed New Haven Airport operating agreement; and
9. requires DOT to do a feasibility study, within existing resources, on providing commuter bus service between certain commuter parking lots and the Bridgeport train station and report to the Transportation committee by February 1, 2010.

EFFECTIVE DATE: Upon passage except the provision authorizing sale of property acquired for the Route 7 expressway project and the \$5 million appropriation to implement the Tweed New Haven Airport agreement are effective July 1, 2009.

§ 1 – State Traffic Commission—Certification of Documents

OFA Fiscal Impact

State Impact: None

Municipal Impact: None

Explanation

This section conforms the statute to current practice and has no fiscal impact.

OLR Analysis

The bill authorizes the executive director of the State Traffic Commission to certify copies of any document or record pertaining to the commission's operations. Any such document or record the executive director attests as a true copy must be considered competent evidence of the facts it contains in any Connecticut court. The transportation, motor vehicles, and public safety commissioners comprise the State Traffic Commission.

EFFECTIVE DATE: Upon passage

§ 2 – Broad Street Bridge Minimum Clearance Waiver**OFA Fiscal Impact**

State Impact: None

Municipal Impact: None

Explanation

This section is enabling. It allows DOT to replace the Broad Street highway bridge over the AMTRAK railroad as part of the New Britain - Hartford Busway project. Funding for the bridge replacement will be included in the busway project.

OLR Analysis

The bill permits the DOT to replace the Broad Street bridge over the AMTRAK railroad in Hartford (Bridge #03629) with a new bridge with a minimum overhead clearance over the tracks of 19 feet, four inches, instead of a clearance of 20 feet, six inches as the law would otherwise require. The transportation commissioner must obtain a waiver from the legislature whenever he proposes to replace a bridge over a

railroad line at less than the mandatory minimum clearance of 20 feet, six inches (or 22 feet, six inches over an electrified rail line) that the law requires. The current clearance of the Broad Street bridge is 19 feet, one inch.

EFFECTIVE DATE: Upon passage

§ 3 – DOT Consultant Selection Process

OFA Fiscal Impact

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Department of Transportation	TF – Cost Savings	Potential	Potential

Note: TF=Transportation Fund; GF=General Fund

Municipal Impact: None

Explanation

This section could result in a potential cost savings to the Department of Transportation by eliminating hard copy publication of notices and instead publishing them on on-line professional websites as well as its own and the Department of Administrative Services' web sites.

OLR Analysis

By law, only firms that are technically prequalified by DOT in a particular year for a particular service are eligible to respond to a DOT solicitation for those particular services (CGS Sec. 13b-20e). The bill conforms another law governing notice to consultants that DOT is soliciting services to that law. It (1) requires the commissioner to notify all prequalified firms in the service category for which DOT is seeking assistance and (2) limits the current requirement that DOT publish a notice in various venues to situations where the prequalified list has fewer than five consulting firms or does not include the area of expertise DOT requires. Currently, this notice must be published in appropriate professional magazines, professional newsletters, and

newspapers. The bill eliminates the requirement for posting notices in newspapers, but permits DOT to do so in on-line professional websites instead.

EFFECTIVE DATE: Upon passage

§ 4 – Registration of Operating Authority for Certain Interstate Livery Vehicles

OFA Fiscal Impact

State Impact: None

Municipal Impact: None

Explanation

This section conforms state statute to federal regulations, which has no fiscal impact.

OLR Analysis

The bill conforms Connecticut's law to federal standards by requiring any entity that has a domicile or principal office in Connecticut and operates a motor vehicle by virtue of interstate operating authority from the Federal Highway Administration for charter and special operation to register that authority with the DOT if the vehicle carries eight or more passengers. There is no seating capacity requirement in the current law, but the eight passenger threshold in the bill reflects the federal threshold for issuing such authority.

EFFECTIVE DATE: Upon passage

§ 5 – Land Acquired for Route 7 Expressway Project

OFA Fiscal Impact

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Department of Transportation	TF – Revenue Gain	Potential	Potential

Note: TF=Transportation Fund; GF=General Fund

Municipal Impact: None

Explanation

The bill eliminates the prohibitions on the sale or use of property acquired for potential use as the Route 7 expressway from Danbury to Norwalk. This could result in a revenue gain to the Transportation Fund if DOT decides to sell the property. Approximately 890.84 acres was purchased for the expressway at a cost of \$29.4 million, including 828.86 acres of unimproved (vacant) land and 61.98 acres of improved land (20 houses on 19 lots). The current estimate for all of the property is \$164.7 million, including: (1) \$149.7 million for the unimproved land and (2) \$14 million for the improved land.

OLR Analysis

Current law prohibits the DOT commissioner from selling, or using in any manner that is incompatible with transportation purposes, any existing right-of-way that was acquired for potential use as the Route 7 expressway from Danbury to Norwalk. The commissioner is also prohibited from selling or using incompatibly any property currently under his control in Danbury adjacent to Route 7 and south of Wooster Heights Road.

The bill eliminates these prohibitions on sale or use of the acquired property.

EFFECTIVE DATE: July 1, 2009

§ 6 – Stamford Transportation Center Parking Garage

OFA Fiscal Impact

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Treasurer, Debt Service	TF – Cost	Potential	Potential

Note: TF=Transportation Fund; GF=General Fund

Municipal Impact: None

Explanation

To the extent that this delays reconstruction of the parking garage, additional costs could be incurred. This project is funded with Special Tax Obligations (STO) bonds.

OLR Analysis

The bill prohibits the transportation commissioner from beginning any phase of the project to demolish the Stamford Transportation Center parking garage unless the DOT makes alternative parking spaces available near the center before the demolition begins. The number of spaces must equal or exceed the number that will be lost by each phase of the demolition project.

EFFECTIVE DATE: Upon passage

§ 7 – Report on Actions Concerning the American Recovery and Reinvestment Act (ARRA)

OFA Fiscal Impact

State Impact: None

Municipal Impact: None

Explanation

The DOT, OPM and the Transportation Strategy Board will be able to accommodate any additional administrative functions within their normal anticipated budgetary resources.

OLR Analysis

The bill requires the DOT and Transportation Strategy Board to submit a joint report to the Transportation Committee, within 15 days of this provision becoming effective and on a monthly basis thereafter, with respect to (1) actions they take to qualify state, regional, or

municipal projects for receipt of “stimulus funding under the ARRA; (2) the amount of any state funds required to match federal funds, and the availability of such funds; and (3) descriptions of all applications submitted for federal funds and their status.

EFFECTIVE DATE: Upon passage

§ 8 – Funding for Implementing the Tweed New Haven Airport Agreement

OFA Fiscal Impact

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Department of Transportation	GF – Cost	5 million	5 million

Note: TF=Transportation Fund; GF=General Fund

Municipal Impact: See Below

Explanation

This section appropriates \$5 million for each of FY 10 and FY 11 from the General Fund to implement an agreement between East Haven, New Haven, and the Tweed New Haven Airport Authority regarding operations of the Tweed New Haven Airport.

OLR Analysis

The bill appropriates \$5 million from the General Fund for FY 2010 and for FY 2011 to the DOT for implementation of the agreement between East Haven, New Haven, and the Tweed New Haven Airport Authority regarding the airport’s operation.

EFFECTIVE DATE: July 1, 2009

§ 9 – Commuter Bus Service Feasibility Study

OFA Fiscal Impact**State Impact:**

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Department of Transportation	TF – One Time	Greater than 1 million	None

Note: TF=Transportation Fund; GF=General Fund

Municipal Impact: None**Explanation**

The bill results in a one-time cost in excess of \$1 million to the Department of Transportation (DOT) to hire consultants to analyze and report on the feasibility of providing commuter bus service between the Bridgeport Train Station and certain commuter parking lots.

The requirement that the analysis and report be produced within available appropriations will likely result in one of four outcomes: (1) DOT will proceed with the analysis and report, and will require a deficiency appropriation during FY 10; (2) DOT will delay the implementation of the analysis and report pending the approval of additional appropriations to meet this mandate in future fiscal years; (3) DOT will shift administrative resources from other department priorities, thereby impacting existing departmental programs; or (4) DOT will not perform the analysis and publish the report.

OLR Analysis

The bill requires the DOT, within existing budgetary resources, to study and determine the feasibility of providing commuter bus service from commuter parking lots to the Bridgeport train station via Route 8 and Housatonic Avenue. DOT must submit its findings and recommendations to the Transportation Committee by February 1, 2010.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea	36	Nay	0	(03/16/2009)
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